

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ISIMEME ANITA HORAK,

Plaintiff,

VS.

U.S. CITIZENSHIP AND
IMMIGRATION SERVICES,

Defendant.

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Civil Action No. 3:21-CV-1925-D

MEMORANDUM OPINION
AND ORDER

Plaintiff's March 10, 2023 motion *in limine* to exclude defendant's improper third-party evidence is denied. The upcoming hearing under 8 U.S.C. § 1421(c) is to be heard by the court, without a jury. It is settled that a motion in limine is unnecessary in a bench trial. *See, e.g., Eterna Benefits L.L.C. v. Hartford Life & Acc. Ins. Co.*, No. 3:96-CV-3065-D, slip. op. at 10 (N.D. Tex. Apr. 5, 1999) (Fitzwater, J.) (holding that "[a] motion in limine . . . [is] unnecessary in a bench trial," and denying attorney's fees for time spent preparing motion in limine); *Motion in Limine*, Black's Law Dictionary (8th ed. 2004) (defining motion in limine and stating, in pertinent part, "If, after the motion is granted, the opposing party mentions or attempts to offer the evidence *in the jury's presence*, a mistrial may be ordered." (emphasis added)).

SO ORDERED.

March 13, 2023.


SIDNEY A. FITZWATER
SENIOR JUDGE